

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 23, 2019

SEAN F. MCAVOY, CLERK

U.S.A. vs. Mendoza, Benjamin Lopez Docket No. 2:19CR00036-RMP-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Benjamin Lopez Mendoza, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the court at Spokane, Washington, on the 25th day of February 2019, under the following conditions:

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Additional Condition #27: Prohibited Substance Testing: If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #2: Benjamin Lopez Mendoza is alleged to have admitted to ingesting cocaine on September 13, 2019.

On March 1, 2019, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Mendoza. Mr. Mendoza acknowledged an understanding of the conditions, which included standard condition number 9.

On September 13, 2019, Mr. Mendoza reported to the U.S. Probation Office and provided a urine specimen that tested presumptive positive for the presence of cocaine. Mr. Mendoza admitted he snorted "3 bumps" of cocaine on September 7, 2019. Subsequently, Mr. Mendoza signed a substance abuse admission form acknowledging his use of cocaine.

Violation #3: Benjamin Lopez Mendoza failed to report for random drug testing at Pioneer Human Services on June 5, 2019, and September 11, 2019.

On March 1, 2019, the undersigned officer reviewed the conditions of pretrial release supervision with Mr. Mendoza. Mr. Mendoza acknowledged an understanding of the conditions, which included additional condition #27.

Also on March 1, 2019, Mr. Mendoza was referred to the phase urinalysis testing program at Pioneer Human Services (PHS). Mr. Mendoza was instructed to contact PHS on a daily basis to determine if he was required to submit to random drug testing.

On June 5, 2019, Mr. Mendoza failed to report for random drug testing at PHS. He reported to the U.S. Probation Office on June 10, 2019, in response to this missed drug test, and provided a urine specimen that tested negative for the presence of cocaine.

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On September 11, 2019, Mr. Mendoza failed to report to PHS for random drug testing. On September 12, 2019, Mr. Mendoza left the undersigned officer a message acknowledging he had failed to report for random drug testing the day before. The undersigned officer was not available on September 12, 2019. On September 13, 2019, Mr. Mendoza contacted the undersigned officer about missing his drug test on September 11, 2019. He agreed to report to the U.S. Probation Office to submit to drug testing. On September 13, 2019, Mr. Mendoza reported to the U.S. Probation Office and provided a urine specimen that tested presumptive positive for the presence of cocaine. Please refer to violation number 2 in this petition for further information.

PRAYING THAT THE COURT WILL INCORPORATE THE ABOVE VIOLATION WITH VIOLATION(S)
PREVIOUSLY REPORTED TO THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: September 23, 2019

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

September 23, 2019

Date